REMARKS

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1, 9, 16-18, 20, 22, and 36 have been amended as shown on pp. 3-7 of the Reply. In addition, the specification has been amended as indicated on p. 2 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-40 Under 35 U.S.C. §101

Claims 1-40 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The specification has been amended to overcome the rejection. Consequently, withdrawal of the rejection is respectfully requested.

II.   Rejection of Claim 22 Under 35 U.S.C §112

Claim 22 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 has been amended to overcome the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

III.   Rejection of Claims 1-40 Under 35 U.S.C. §102(e)/103(a)

Claims 1-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over SoftWire (SW) Graphical Programming as taught in (US Patent 6,425,121) in view of Visual Basic 6 (VB) as documented in Rob Thayer's text book Visual Basic Unleashed (September 11, 1998).

Claims 23, and similarly claims 1 and 36, have been amended to include the dependent claim limitations of claim 23. As a result, claim 23, and similarly claims 1 and 36 states *visually displaying the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by displaying individual node execution measurement; and wherein the individual node execution measurements include usage counts, total execution time and average execution time*. SW discloses a count symbol

has a control input terminal, a data output terminal…the count object of the symbol performs a count operation preferably starting at "0" and incrementing by "1" each time its ContolIN property is triggered by a wire construct connected to its control input terminal (column 35, lines 42-49). In addition, SW discloses the User Function preferably incorporates the ControlOut, DataReady, RunBlock and StatusReady events described (column 35, lines 5-41). Also, SW discloses a summer for summing a sequence of numbers (column 31, lines 21-66). However, SW does not disclose or suggest visually displaying the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by displaying individual node execution measurement; and wherein the individual node execution measurements include usage counts, total execution time and average execution time.

Moreover, VB discloses creating a client and using the client to look up prices on a server and the server sends the price information back to the client (pages 547-549). Claim 23, and similarly claims 1 and 36 states ***visually displaying the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by displaying individual node execution measurement; and wherein the individual node execution measurements include usage counts, total execution time and average execution time***. Conversely, VB does not disclose visually displaying the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by displaying individual node execution measurement; and wherein the individual node execution measurements include usage counts, total execution time and average execution time.

Accordingly, the rejection for claims 1, 23, and 36 and its dependent claims should be withdrawn and the claims should be allowed.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [FOPS102USB].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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